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R2003
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IN THE HIGH COURT OF JUDICATURE AT BILASPUR CHHATTISGARH

WRIT PETITION NO 3121 OF 2003.

PETITIONER

- 1 Mukesh Gawari S/o Raja Ram
Gawari aged about 30 years R/o
Raman Mandir ward Fafadih
Rooprela Gali, Raipur (C.G.)
- 2 Harish Kumar Gawari S/o Raja Ram
Gawari aged about 28 years R/o
Raman Mandir ward Fafadih
Rooprela Gali, Raipur (C.G.)

P. R. No. 2971/03
Presented by Shri. P. R. Gawari
dated 26.09.03

VERSES

RESPONDENT

1. Roshan Lal Gawari S/o Manoharlal
Gawari aged about 45 years R/o
Raman Mandir wrad Fafadih
Rooprela Gali Raipur (C.G.)
2. Sohanlal Gawari S/o Manmoarla
Gawari aged about 45 years R/o
RamanMandir wrad Fafadih
Rooprela Gali Raipur (C.G.)



WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

DETAILS OF THE PETITION

1. PARTICULARS OF THE PETITIONER ::

As mentioned in the Cause Title above.

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आदेश पत्रक

मामला क्रमांक W.P. 3121/03 सन् 2003

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<u>14-11-2003</u> Petitioners by Shri Ritesh Ahuja, Advocate. By this writ petition under Article 226/227 of the Constitution of India, the petitioners seek to challenge the order dated 30.7.2003 passed by the Fourth Additional District Judge, Raipur in Civil Appeal No. 17-A/2002 by which learned Addl. District Judge allowed the application of respondents for condonation of delay. The petitioners' main grievance is that learned Addl. District Judge allowed the application under Section 5 of the Limitation Act without valid reasons whereas the delay in filing the appeal was not explained by the respondents herein, in terms of the provisions of Section 5 of the Limitation Act. I have perused the impugned order in which it has been mentioned that the application under Section 5 of the Limitation Act was filed in which he has mentioned that on account of the family work he had gone outside Raipur and therefore he could not present the appeal within time. After hearing the counsel for respondents and counsel for the petitioner herein that application was allowed by the learned Additional District Judge by a reasoned order. I do not find any illegality or irregularity in the impugned order. Moreover, under Article 227 of the Constitution of India this Court is entitled to interfere in the order only when the subordinate Court has exercised its jurisdiction which does not vest in it, or has failed to exercise the jurisdiction, or exceeded its	

आदेश पत्रक

मामला क्रमांक 44/3121/03 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित - 2 -	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	jurisdiction. None of these conditions is present in this order. Moreover, if the petitioner has any grievance he may raise this ground in appeal before the Appellate Court after passing of the final judgment by the Lower Appellate Court. I do not find any force in this petition which is liable to be dismissed and is dismissed.	Sd/- L.C.BHADOO Judge

[पीछे देखिये]

4/19/11